

25.08.2021
Item no. 55
Court No.32.
S.De
(rejected)

(Via Video Conference)

CRM No. 2754 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 16.03.2021 in connection with Binpur Police Station Case No. 50 of 2020 dated 03.07.2020 under Sections 147/148/149/323/325/326/307/506 with added Section 302 of the Indian Penal Code.

And

In the matter of : Upen Hansda & Another.

.....Petitioners.

Mr. Soumojit Das Mahapatra, Advocate,
Mr. Paramesh Chakraborty, Advocate,
.....for the Petitioners.

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Dipankar Paramanick, Advocate,
.....for the State.

The two petitioners are apprehending arrest in connection with Binpur Police Station Case no.50 of 2020 dated 03.07.2020 (G.R. No.497 of 2020) under Sections 147/148/149/323/325/326/307/506 with added Section 302 of the Indian Penal Code.

It is submitted on behalf of the petitioners that the petitioners have been falsely implicated in this case and they are not directly involved in the offence alleged.

We have heard the learned advocate for the petitioners and the learned advocate for the State who has drawn our attention to case diary in particular pages 10 and 37 and page 155 being the Post Mortem Report. It is true that there is no inexorable formula in the matter of granting of bail. But the gravity of the offence and its nature are very important to take note of.

Having regard to the offence inflicted on the deceased as transpired from the Post Mortem Report and the statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure, we decline to admit the petitioners' prayer for anticipatory bail.

The application for anticipatory is, thus, rejected.

C.R.M. 2754 of 2021 is dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Shivakant Prasad, J.)